

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1, 4, 11 and 15 have been amended. No new matter is being presented, and approval and entry is respectfully requested.

Claims 6, 7, 9 and 10 have been indicated as including allowable subject matter, but stand objected to for depending from rejected claims.

Claims 1-15 are pending and under consideration.

REJECTION UNDER 35 U.S.C. §102(e):

Claims 1-5, 11, 13 and 14 stand rejected under 35 U.S.C. §102(e) as being anticipated by Maruyama et al., U.S. Patent No. 6,385,389. This rejection is respectfully traversed.

By way of review and as an example, independent claim 1 sets forth a "recordable and/or rewritable recording medium to record data, including an entire user data area or at least a plurality of particular data files, comprising a Lead-in area; a Lead-out area; and the user data area."

In addition, independent claim 1 specifically sets forth that "upon the finalization for writing on the Lead-in area and the Lead-out area has been completed, the recording medium is set to a write protection state ensuring the protection of the data recorded on the recording medium from unwanted overwriting or erasing."

The Office Action sets forth that Maruyama et al. discloses all the features of independent claim 1. Applicants respectfully disagree.

In addition, the Advisory Action issued September 17, 2003, set forth that "Applicant's write protection state which '[ensures] the protection of the data recorded on the recording medium from unwanted overwriting or erasing' ... can be considered [to be equivalent to] Maruyama's 'archive flag' which is used to prevent an unwanted overwriting or erasing of particular files or programs." Applicants similarly disagree.

In the Amendment filed July 29, 2003, Applicant set forth remarks that the claims clearly claim protecting a plurality of data files rather than particular singular files. However, as evidenced by the Advisory Action, the Examiner has interpreted the claimed "rewritable recording medium to record data" and the recording medium being set to "a write protection state ensuring the protection of the data recorded on the recording medium" as meaning that the write protection information can be for a particular data file or program recorded in the user data area.

Therefore, although it is believed that the corresponding independent claims inherently included such features, independent claims 1, 4 and 11 have been amended to clearly indicate that the recited "data" is representative of at least a plurality of particular data files or the entire user data area. The Advisory Action clearly emphasizes that the Examiner presently believes Maruyama et al. discloses the presently claimed invention since Maruyama et al. discloses setting an "archive flag," which is used to prevent an unwanted overwriting or erasing of a particular data file. Maruyama et al. would not appear to disclose setting a single archive flag for more than one particular data file, and therefore would not disclose the presently claimed invention. See Maruyama et al. in col. 11, lines 66-67.

Although this amendment to claims 1 and 4 are set forth in the preamble of the respective claims, the preamble must also be considered in defining the claim as a whole. Here, the preamble particularly defines that the term "data" cannot be a singular data file, unless of course the data file encompasses the entire user data area (which wouldn't appear relevant to Maruyama et al.).

In addition, regarding all independent claims, the Examiner would not appear to be giving the operation of setting the claimed write protection information "upon the finalization for writing on the Lead-in area and the Lead-out area" any patentable weight. Rather, the Examiner is taking the position that any operation performed after the finalization process meets this claimed feature.

The independent claims would appear to clearly claim that the setting of the write protection state is performed concurrently, or directly afterward, i.e., "upon," with the claimed finalization operation.

Maruyama et al. stores the archive flag in the user data area, and would not appear to sequentially rely on any finalization of the Lead-in or Lead-out areas. The setting of a write protection of individual files or programs in the user data area of the recording medium would appear to be unrelated to the finalization of the Lead-in or Lead-out area.

Thus, Maruyama et al. cannot be interpreted as disclosing the setting of a write protection state of a recording medium upon the finalization for writing on the Lead-in area and the Lead-out area is completed, as Maruyama et al. only disclosed storing the aforementioned "archive flag" in the user data area for particular files or programs in the user data area.

Therefore, it is respectfully submitted that Maruyama et al. cannot be interpreted as disclosing the presently claimed invention. The withdrawal of the outstanding rejection of these claims is respectfully requested.

REJECTION UNDER 35 U.S.C. §103(a):

Claims 8 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maruyama et al. in view of Ito et al., U.S. Patent No. 6,243,340. This rejection is respectfully traversed.

It is respectfully submitted that claims 8 and 12 are at least allowable for depending from allowable independent claims. In addition, it is respectfully submitted that the previous remarks regarding these rejections are equally applicable.

Therefore, it is respectfully requested that this rejection of claims 8 and 12 be withdrawn and claims 8 and 12 be allowed.

CONCLUSION:

In accordance with the foregoing it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art.

If the Examiner has any remaining informalities to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such informalities.

Serial No. 10/020,945

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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